

SB 999-A3
(LC 1471)
5/21/19 (HE/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Jennifer Williamson)

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 999
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 10 of the printed A-engrossed Bill, after line 19, insert:

2 **“SECTION 10a. If House Bill 3005 becomes law, section 10 of this**
3 **2019 Act (amending ORS 813.602) is repealed and ORS 813.602, as**
4 **amended by section 4, chapter __, Oregon Laws 2019 (Enrolled House**
5 **Bill 3005), is amended to read:**

6 “813.602. (1) Subject to subsection (2) of this section, when a person is
7 convicted of driving while under the influence of intoxicants in violation of
8 ORS 813.010 or of a municipal ordinance, the Department of Transportation,
9 in addition to any other requirement, shall require that the person have in-
10 stalled and be using an approved ignition interlock device in any vehicle
11 operated by the person:

12 “(a) Before the person is eligible for a hardship permit. The requirement
13 is a condition of the hardship permit for the duration of the hardship permit.

14 “(b) For a first conviction, for one year after the ending date of the sus-
15 pension or revocation caused by the conviction. Violation of the condition
16 imposed under this paragraph is a Class A traffic violation.

17 “(c) For a second or subsequent conviction, for two years after the ending
18 date of the suspension or revocation caused by the conviction. Violation of
19 the condition imposed under this paragraph is a Class A traffic violation.

20 “(2) When a person is convicted of a crime or multiple crimes as described

1 in this subsection, the department, in addition to any other requirement,
2 shall require that the person have installed and be using an approved ig-
3 nition interlock device in any vehicle operated by the person for five years
4 after the ending date of the longest running suspension or revocation caused
5 by any of the convictions. Violation of the condition imposed under this
6 subsection is a Class A traffic violation. A person is subject to this sub-
7 section when the person is convicted of:

8 “(a) Driving while under the influence of intoxicants in violation of ORS
9 813.010 or of a municipal ordinance and any of the following crimes as part
10 of the same criminal episode:

11 “(A) Any degree of murder.

12 “(B) Manslaughter in the first or second degree.

13 “(C) Criminally negligent homicide.

14 “(D) Assault in the first degree.

15 “(b) Aggravated vehicular homicide.

16 “(c) Driving while under the influence of intoxicants in violation of ORS
17 813.010 or of a municipal ordinance and the person’s driving privileges are
18 revoked under ORS 809.235 (1)(b) and later ordered restored under ORS
19 809.235 (4).

20 “(3)(a) Except as provided in paragraph (c) of this subsection, as a con-
21 dition of a driving while under the influence of intoxicants diversion agree-
22 ment:

23 “(A) The court shall require that an approved ignition interlock device
24 be installed and used in any vehicle operated by the person during the period
25 of the agreement when the person has driving privileges if:

26 “(i) [*The person submitted to*] A chemical test of the person’s breath or
27 blood [*as required under ORS 813.100, 813.140 or 813.150 and the test*] dis-
28 closed a blood alcohol content of 0.08 percent or more by weight **of alcohol**
29 **in the blood of the person as shown by chemical analysis of the breath**
30 **or blood;**

1 “(ii) The person refused to submit to a chemical test of the person’s
2 breath or blood; or

3 “(iii) [*The person submitted to*] A chemical test of the person’s breath,
4 blood or urine [*as required under ORS 813.100 or 813.131 and the test*] dis-
5 closed a blood alcohol content of more than 0.00 **but less than 0.08** percent
6 by weight [*but less than 0.08 percent by weight*] **of alcohol in the blood of**
7 **the person as shown by chemical analysis of the breath or blood** and
8 disclosed the presence of cannabis, a controlled substance or an inhalant.

9 “(B) The court may require that an approved ignition interlock device be
10 installed and used in any vehicle operated by the person during the period
11 of the agreement when the person has driving privileges if the person sub-
12 mitted to a chemical test of the person’s breath, blood or urine [*as required*
13 *under ORS 813.100 or 813.131*] and the test disclosed a blood alcohol content
14 below 0.08 percent by weight **of alcohol in the blood of the person as**
15 **shown by chemical analysis of the breath or blood.**

16 “(b) In addition to any action taken under ORS 813.255, violation of the
17 condition imposed under this subsection is a Class A traffic violation.

18 “(c) A court may exempt a person from the condition in a diversion
19 agreement to have installed and be using an ignition interlock device if the
20 court determines that the person meets the requirements for a medical ex-
21 emption in accordance with rules adopted by the department under this sec-
22 tion. A person granted a medical exemption under this paragraph shall carry
23 proof of the medical exemption with the person while operating any vehicle.

24 “(4) The department shall adopt rules permitting medical exemptions from
25 the requirements of installation and use of an ignition interlock device under
26 this section.

27 “(5) When a person is required to install an ignition interlock device
28 under subsection (2) of this section, the manufacturer’s representative pro-
29 viding the device shall provide notice of any installation or removal of the
30 device or any tampering with the device to:

1 “(a) The supervising court or to the court’s designee, including but not
2 limited to an agency or organization certified by the Oregon Health Au-
3 thority under ORS 813.025;

4 “(b) The district attorney or the city prosecutor; and

5 “(c) The Oregon State Police.”.

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